



OFFICE OF THE  
**COUNTY COUNSEL**

COUNTY OF SAN JOAQUIN  
44 NORTH SAN JOAQUIN STREET, SUITE 679  
STOCKTON, CA 95202-2931  
TELEPHONE: (209) 468-2980  
FAX: (209) 468-0315

**DEPUTY COUNTY COUNSEL:**

LAWRENCE P. MEYERS  
MATTHEW P. DACEY  
KIMBERLY D. JOHNSON  
JASON R. MORRISH  
QUENDRITH L. MACEDO  
ROBERT E. O'ROURKE  
LISA S. RIBEIRO  
ZAYANTE (ZOEY) P. MERRILL  
ERIN H. SAKATA  
KIRIN K. VIRK

**CHILD PROTECTIVE  
SERVICES COUNSEL:**

(209) 468-1330  
DANIELLE DUNHAM-RAMIREZ  
SHANN S. KENNEDY  
ALISTAIR SHEAFFER  
SHILPA M. GIRIMAJI

**J. MARK MYLES**  
COUNTY COUNSEL  
**RICHARD M. FLORES**  
ASSISTANT COUNTY COUNSEL  
**KRISTEN M. HEGGE**  
CHIEF DEPUTY COUNTY COUNSEL

August 8, 2019

Via e-mail: [76597-33181279@requests.muckrock.com](mailto:76597-33181279@requests.muckrock.com)

Mr. Dan Rubins  
MuckRock news  
Dept MR 76597  
411A Highland Ave.  
Somerville, MA 02144-2516

Re: CPRA request

Dear Mr. Rubins:

This letter is in response to your Public Records Act request. This letter constitutes a written response pursuant to Government Code Section 6255(b), and is based upon the authorities interpreting the California Public Records Act ("CPRA") and Article I, Section 3 of the California Constitution.

At the outset, please be advised that the County objects to your request on the ground that the request does not reasonably describe "identifiable records" pursuant to Government Code Section 6253(b). The CPRA does not require that answers to specific questions be provided, nor that documents be compiled or created by the responding agency. See *Haynie v. Superior Court* (2001) 26 Cal 4<sup>th</sup> 1061.

Furthermore, the County objects to your request on the following grounds:

1. The request calls for documents which would violate an individual's right to privacy under the California Constitution, Article I, Section I;
2. The request seeks information and documents which reflect the analysis and conclusions of an investigating officer;
3. The request seeks information and documents which are exempt pursuant to Government Code Section 6254 (f) pertaining to records of investigations conducted

by any state or local police agency, and where disclosure would endanger the successful completion of the investigation;

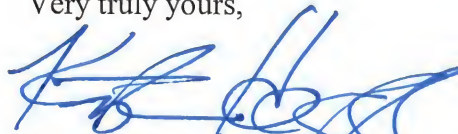
4. The request seeks summary criminal history, which is exempt pursuant to Penal code sections 11140(b), 11141, 11142, 13301(b), 13302, 13303.
5. The records requested include official information, which is exempt from disclosure pursuant to Evidence Code Section 1040(b)(2), Evidence Code Section 1041 (a)(2) and (b)(2) which are incorporated into the CPRA through Government Code Section 6254(k).
6. The records requested include documents protected by the attorney client and attorney work product privilege.
7. The records requested include documents protected by the Deliberative Process privilege.
8. The records requested seek confidential documents pursuant to Government Code section 6254 (c) and Penal code section 832.7.
9. The records requested seek prosecutor's work product protected by CCP 2018.030 and PC 1054.6.

Please note that SB 1421 did not affect the County's legal authority to assert these exemptions for the "Brady List". Furthermore, there is no current authority, either statutory or case law, compelling disclosure of this list. See, e.g. *Los Angeles Deputy Sheriffs v. Superior Court* (Supreme Court case #S243855); 13 Cal. App. 5<sup>th</sup> 413.

The County does not waive any privileges, protections or objections which might be available in any future litigation, and without waiving any additional privileges, protections or exemptions available under the CPRA.

Should you have any questions, or should you require any additional information, please do not hesitate to contact the undersigned.

Very truly yours,



Kristen M. Hegge  
Chief Deputy County Counsel

c: Scott Fichtner, Assistant District Attorney